

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

OSAMA HAFEZ AL-SALEH,)	
Plaintiff,)	
vs.)	No. 3:08-CV-0380-N (BH)
)	ECF
USCIS,)	Referred to U.S. Magistrate Judge
Defendant.)	

**FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pursuant to the provisions of 28 U.S.C. § 636(b), and an Order of the Court in implementation thereof, subject cause has previously been referred to the United States Magistrate Judge. The findings, conclusions, and recommendation of the Magistrate Judge are as follows:

I. BACKGROUND

On March 4, 2008, the Court received a document from plaintiff that it construed as a civil complaint. On March 14, 2008, the Court issued a Notice of Deficiency and Order wherein it notified plaintiff that his filing had numerous deficiencies, including a failure to file a complaint in compliance with Fed. R. Civ. P. 8(a) and a failure to pay the requisite filing fee or submit a request to proceed *in forma pauperis*. It granted him thirty days to cure the deficiencies and warned him that the failure to do so may result in the dismissal of this action pursuant to Fed. R. Civ. P. 41(b). To date, plaintiff has filed nothing further in this case. In addition, the Court has not been informed that he has paid the requisite filing fee.

II. INVOLUNTARY DISMISSAL

Rule 41(b) of the Federal Rules of Civil Procedure permits a court to dismiss *sua sponte* an action for failure to prosecute or follow orders of the court. *McCullough v. Lynaugh*, 835 F.2d 1126, 1127 (5th Cir. 1988). This authority flows from a court's inherent power to control its docket, pre-

vent undue delays in the disposition of pending cases, and avoid congested court calendars. *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-31 (1962). Plaintiff has failed to comply with the Order of March 14, 2008, that he file an amended complaint that complies with Fed. R. Civ. P. 8(a) within thirty days. Plaintiff has also not paid the filing fee or submitted a request to proceed *in forma pauperis*. Accordingly, the Court should dismiss his complaint for the failure to comply with the March 14, 2008 order.

III. RECOMMENDATION

For the foregoing reasons, it is recommended that plaintiff's complaint be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for plaintiff's failure to comply with an order of the Court.

SIGNED this 29th day of April, 2008.


IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE

INSTRUCTIONS FOR SERVICE AND NOTICE OF RIGHT TO APPEAL/OBJECT

The United States District Clerk shall serve a copy of these findings, conclusions, and recommendation on all parties by mailing a copy to each of them. Pursuant to 28 U.S.C. § 636(b)(1), any party who desires to object to these findings, conclusions, and recommendation must file and serve written objections within ten days after being served with a copy. A party filing objections must specifically identify those findings, conclusions, or recommendation to which objections are being made. The District Court need not consider frivolous, conclusory or general objections. Failure to file written objections to the proposed findings, conclusions, and recommendation within ten days after being served with a copy shall bar the aggrieved party from appealing the factual findings and legal conclusions of the Magistrate Judge that are accepted by the District Court, except upon grounds of plain error. *Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (*en banc*).


IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE